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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/810,286 | 03/27/2004 | Richard Dye | 20088.24752 | 9288 |

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EXAMINER

COZART, JERMIE E

ART UNIT PAPER NUMBER

3726

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

②

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/810,286 | Applicant(s) DYE, RICHARD | |
| | Examiner Jermie Cozart | Art Unit 3726 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/21/04 & 12/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-8 in the reply filed on 2/21/06 is acknowledged.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: increasing the thickness with each run through the process.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for drawing and ironing at least two metal shells using a press, does not reasonably provide enablement for increasing the thickness with each run through the process. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. In claim 7, it is unclear as to the thickness of what is increased with each run through the process and the steps as to how the thickness is increased. Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7, line 3, it is unclear as to what "thickness" is increased, and how this increase in thickness is performed. Appropriate correction is required.

7. Claim 7 recites the limitation "the process" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster (3,018,914) in view of Dye et al. (4,541,265).

Webster discloses manufacturing a cylindrical container, wherein two metal shells (1, 2) are drawn using a press (col. 2, lines 56-59), formed into a container (fig. 1), and a valve portion (col. 2, lines 46-50) is attached to the container via a brazing process (col. 2, lines 46-50). The container (fig. 1) has a sidewall, the sidewall has a thickness, and the thickness of the sidewall is inherently specified to withstand hydrostatic pressure because the container is used to hold liquefied propane (col. 1, lines 13-17). Webster discloses attaching a base (4) to the container (fig. 1), and the container being cylindrical (fig. 5).

Webster, however, does not disclose ironing using a press, maintaining a substantially consistent thickness via a substantially uniform clearance between the container and an ironing ring, drawing and ironing using a hydraulic press, drawing and ironing using a mechanical press, or increasing the thickness with each run through the process.

Dye discloses drawing and ironing using a hydraulic press (col. 2, lines 51-62), maintaining a substantially consistent thickness via a substantially uniform clearance between the container (20) and an ironing ring (22), and increasing the thickness of a side-wall flange portion (12LF) with each run through of the cycle. *See column 2, line 51 – column 3, line 50; column 4, line 26 – column 5, line 3; and figures 1-5 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to draw and iron the two shells of Webster by using a hydraulic press, maintain a substantially consistent thickness via a substantially uniform clearance between the container of Webster and an ironing ring, increase the thickness of a side-wall portion of Webster with each run through the process, in light of the teachings of Dye, in order to impart additional strength to predetermined portions of the improved metal shell.

Regarding **claim 5**, Webster/Dye discloses all of the claimed subject matter except for expressly disclosing drawing and ironing using a mechanical press.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to draw and iron at least two metal shells using a mechanical press because Applicant has not disclosed

that drawing and ironing at least two metal shells using a mechanical press provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a hydraulic press because the hydraulic press imparts the desired shape and material thickness of the sidewall.

Therefore, it would have been an obvious matter of design choice to modify Webster/Dye to obtain the invention as specified in claim 5.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show the formation of containers, tanks, and pressure vessels by drawing and ironing.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jermie Cozart", with a stylized flourish extending from the end.

Jermie Cozart
Examiner
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